

APPROVED: Meeting No. 17-90

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 13-90

March 28, 1990

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Boards and Commissions Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on March 28, 1990, at 7:00 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle (arr. at 7:50 p.m.) Councilmember Viola D. Hovsepien
Councilmember James T. Marrinan Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: Worksession with the
Board of Supervisors of
Elections

November 7, 1989 Municipal Election

Maurice Ward, Chairperson of the Board, commented that it was a remarkably smooth election but that the turnout was relatively low.

Mayor Duncan noted a parking problem at City Hall on election day. Councilmember Marrinan referenced a problem at Fallsmead Elementary School where the principal was unhappy with the situation of the voters coming into the building at the same time as the students and the ensuing confusion. Discussion followed regarding how to rectify this type of problem in future elections. Councilmember Marrinan suggested that the City provide police to direct traffic early in the morning. Another alternative suggested is that the room assigned for voting have a different entrance than that used by the students.

Meeting No. 13-90

2

March 28, 1990

Voting Districts

The question of how land annexed into the City is assigned a voting district was raised. Councilmember Hovsepien stated that the annexed property should become part of the district adjacent to it. Councilmember Marrinan asked if it is appropriate to look at election district boundaries. The Board felt that unless polling places become overcrowded, there was no need to consider a change.

Campaign Fund Reporting Forms

Councilmember Hovsepien asked if the Board could initiate a policy of providing copies of the forms for the next cycle when reports are submitted. It was suggested that additional forms be sent to the candidates along with the reminder notices. Mayor Duncan requested that the Board determine the appropriate mechanism for dealing with this issue.

Councilmember Hovsepien also noted that the forms do not provide a place to report petty cash expenditures which are allowed up to \$250.

Policies and Procedures

Mayor Duncan requested a copy of what a sample ballot should look like. Regarding the Alliance of Rockville Citizens (ARC) issue, he asked how the Mayor and Council could exclude such groups in the definition of "political committee." Councilmember Hovsepien commented that the redefinition of "political committee" in the new ordinance was designed to mean only organizations which financially support individuals and that ARC considers itself a civic group. Board member Paula Porpilia responded that they would be happy to look at the definition.

Councilmember Hovsepien indicated that it was never the intent of the City to make it difficult for people to participate in City elections. The charges stemming from the last election were based on minutiae, and such actions do not encourage individuals to get involved. The purpose of the law is disclosure of the source of campaign funds. Ms. Porpilia commented that the Board's draft procedures address some of these issues.

Meeting No. 13-90

3

March 28, 1990

It was discussed that the focus of the Board of Supervisors of Elections' charge is on the operational aspects of the election process and that the Report of the Election Task Force indicated that a separate Fair Campaign Practices Commission should be formed, when needed. Mayor Duncan suggested that the Board may want to consider referral of complaints to a Fair Campaign Practices Commission. Ray Sherbill responded that they have not yet imposed sanctions or penalties and that it makes sense to have the Board interpret their own policies for consistency purposes.

Discussion followed regarding the time involved in handling and responding to the complaints against ARC and the rationale for the Board's finding that ARC is a political committee. It was recommended that ARC review its bylaws and forward same to the Board for comment. The City Attorney noted that ARC must file an appropriate affidavit to no longer be considered an inactive political committee.

Mayor Duncan commented on the terms of office expiring in 1991 and asked the Board if they feel five members are still appropriate. Mayor Duncan requested that the Board discuss this issue at their next meeting and provide the Mayor and Council with a memorandum regarding their recommendations. The Board indicated at that time that retaining five members is a good idea. Mayor Duncan also asked if they had any recommendations for staggering terms. The City Attorney is now reviewing the issue of staggered terms, and any recommendations should be forwarded to him.

Also discussed regarding the policies and procedures was the referral to the City Attorney of complaints. The City Attorney stated his position that the Board should dispose immediately of any complaint that is frivolous, and he will suggest language for a procedure to this effect. The need for emergency meetings near election time was also discussed.

Mayor Duncan asked that same day registration be considered in Rockville and the City Attorney was requested to draft legislation. It was noted that a regular

Meeting No. 13-90

4

March 28, 1990

election judge at the polling site could handle the same day registration; however, the Board members felt that it might cause some confusion at the polls.

Mr. Ward advised that COG is sponsoring a program in June regarding registration outreach and members of the Board would be attending.

The Mayor and Council adjourned to the Council Chamber at 8:00 p.m. to meet in Worksession with the Planning Commission.

Re: Worksession with
Planning Commission

Master Plan Work Program

Glennon Harrison, Chair of the Planning Commission, stated that the Commission will be holding worksessions dealing with Master Plan issues and that input from the City's boards and commissions will be requested. The Planning Commission's recommendations will be forwarded to the Mayor and Council in April of next year.

Discussion followed regarding master plan issues. It was noted that the guidelines of the Goals Task Force strongly support the Neighborhood Planning Process and that there were to be additional neighborhood plans. The consensus of the Planning Commission is that the time span for the Master Plan should be 20 years.

Councilmember Coyle noted that the City needs an economic policy and that you cannot separate economic policy from master plan policy. In response to Commissioner Atlas' question as to how an economic policy would be developed and the time frame, Mayor Duncan responded that it would be the responsibility of the new Director of Community Development.

Commissioner Vitol commented on the need for a certain level of balance between housing and jobs in the City; that the City should take a proactive stance. Discussion followed with respect to providing more opportunities in housing and responding to the need for affordable housing. The Mayor and Council will be taking action on an MPDU

Meeting No. 13-90

5

March 28, 1990

ordinance in the very near future which will require the designation of moderately priced units in housing developments of fifty or more.

It was noted that the consultant hired to analyze traffic and review traffic mitigation measures would also be looking at impact fees. A worksession will be held in early May regarding the traffic study. Discussion followed regarding the form impact fees may take, that is, in the nature of mitigation or contribution to a housing fund.

Mr. Harrison commented that City-owned land could be released for housing. Mayor Duncan responded that staff is preparing a report as to land available in the City for housing on City-owned land. Concerns were expressed regarding protection of the City's moderately priced apartment stock and the ramifications of proposed tenant displacement legislation. Mayor Duncan noted that there would be a public hearing regarding the City's adoption of County tenant displacement legislation, and when the City becomes aware that moderately priced apartments are for sale, everything possible will be done from working with developers, county and state to involving non-profit housing corporations.

Commissioner Harrison remarked that it is time to take another look at the Town Center Plan, one of the first neighborhood plans the Planning Commission and City developed. Concerns have been expressed that retail shops could disappear; it is important to keep Town Center a place where people can buy needed goods, and the use of a bonus system for retail preservation should be considered.

The issue of the I-270 spurs not being widened enough so that people will continue to use City streets was mentioned as well as the possibility of redesignating West Gude Drive as Route 28 and the City taking over West Montgomery Avenue. Mayor Duncan stated that the redesignation issue will be deferred until the West Montgomery improvements are completed.

Meeting No. 13-90

6

March 28, 1990

Insofar as the practical implications of getting into downtown are concerned, Mayor Duncan responded that better street signage and pedestrian monument signs should be helpful. The Mayor and Council have been discussing this issue with the Town Center Roundtable Subcommittee and the whole sign package will be considered as part of the budget.

Guidance was requested of the Mayor and Council regarding a recent proposal for an interesting project which exceeds the current zone requirements. The Mayor and Council agreed that if a proposed development exceeds current zone requirements, it should not be pursued.

Use Permit Process

Commissioner Harrison commented that the process should be looked at and possibly changed; the preference of the Planning Commission is to introduce a text amendment eliminating appeals to Mayor and Council to ensure that all developers are treated in a consistent manner. Mayor Duncan responded that the Mayor and Council become involved in lengthy negotiations in the sale of City-owned land involving a lot of factors, and, rather than creating conflict between the Mayor and Council and Planning Commission, use permits should come to the Mayor and Council for approval on sale of City-owned land. It was agreed by the Mayor and Council that the Planning Commission would have an advisory role in these matters.

Commissioner Vitol referenced the need for time limits on previously owned City land; that appeal rights run forever if the land was originally owned by the City.

The City Attorney was requested to prepare the necessary amendments to the law to provide for Mayor and Council approval of use permits on City-owned land with the provision that the use permit may be referred to the Planning Commission for an advisory opinion. The City Attorney was also requested to clarify the language in the same section of the law regarding appeal rights on land originally owned by the City.

Meeting No. 13-90

7

March 28, 1990

The worksession with the Planning Commission adjourned at 9:00 p.m.

Re: Worksession with Recreation
and Park Advisory Board

The Mayor and Council reconvened in the Boards and Commissions Room at 9:05 p.m. to meet with the Recreation and Park Advisory Board.

The following items were discussed with Stephen Edwards, Chairperson, and other members of the Recreation and Park Advisory Board:

1. NYSCA Standards. The City has already adopted these standards in part, and it was recommended that the City move toward adoption of the standards in their entirety. It was noted, however, that this would cause problems for Rockville Baseball Association (RBBA); that their policies would have to be changed if the standards were adopted. It was agreed that the Board would come back with a recommendation regarding this matter.

2. Civic Center and Historic District Boundaries. Concerns were expressed regarding the renovation plans for the mansion if the Historic District designation is approved. Mayor Duncan noted that the hearing on this application had been continued to May 21, and that the Board should provide the Mayor and Council with their comments prior to that time.

3. Sports Boundaries. It was confirmed that the City's policy with respect to sports boundaries is that participants must either live in the City or attend one of the City's schools. The Board has granted RBBA a three-year exemption from this policy as their boundaries now include what was formerly the Wootton cluster but is now the Quince Orchard cluster.

Mayor Duncan requested that staff follow up with RBBA regarding the extent of registration in the expanded area and asked what percent of the tax rate funds RBBA. Staff was also requested to determine the true costs for the sports program and how much

Meeting No. 13-90

8

March 28, 1990

non-residents should pay. Alternative formulas for cost recovery should be considered which factor in projections of what it would cost to include the Rockville High School cluster in the sports program.

4. Outside agency use of City programs and facilities. Procedures will be tightened up to ensure that public facilities supported by taxpayers are not abused.

5. Use of alcohol in public facilities. There was discussion regarding the policy of use of alcohol in recreation centers with a permit only. The Board was requested to develop a viable solution for the question of use of alcohol on Adult Night at the Lincoln Park community center.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:40 p.m., to convene again in General Session at 7:30 p.m. on April 2, 1990, or at the call of the Mayor.